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REMARKS

Claims 1-26 were pending in the application prior to this response. Claims 1 and 2 have been amended herein. Claims 3, 7-19 and 21-24 have been canceled. Claims 4-6 and 25 remain in the application unchanged. New claims 27-38 have been added. Accordingly, after entry of this amendment, claims 1, 2, 4-6, 20 and 25-38 will be pending. Reexamination and reconsideration are requested.

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I. Legal Basis for Prior Art Rejections Applied in the Office Action

Legal Basis for Anticipation under 35 U.S.C. §102

The standard for lack of novelty, that is, for "anticipation," under 35 U.S.C. 102 is one of strict identity. To anticipate a claim for a patent, a single prior source must contain all its essential elements. *Hybritech, Inc. v. Monoclonal Antibodies, Inc.*, 231 USPQ 81, 90 (Fed. Cir. 1986).

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II. Rejection of Claims 1-26 under 35 U.S.C. §102(e)

Claims 1-26 stand rejected under 35 U.S.C. §102(e) as being anticipated by Ma (U.S. 6,078,407). Reexamination and reconsideration are requested.

At the outset, applicant notes that the heading of the Examiner's rejection only lists claims 1-6. In the body of the rejection, however, the Examiner mentions claims 7-26 as well. Accordingly, applicant assumes that the Examiner intended to reject claims 1-26 and has formulated the current response in accordance with this assumption. If this assumption is incorrect, then applicant requests notification and the opportunity to respond accordingly.

Claims 1-6

Applicant's claim 1, as amended herein, recites the following:

A device comprising:
a frame; 31
a lid movably attached to said frame, said lid being movable between a closed position and an open position; 2
a display mounted to said lid; 12
a photosensor array; and 34
wherein said display is visible when said lid is in said closed position. Fig 3 Col 1 line 65-67; Col 2 lines 1-2, 9-19

Claim 1 has been amended to now recite a frame, a lid movably attached to the frame and the lid being movable between a closed position and an open position. Claim 1 has further been amended to now recite that

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the display is mounted on the lid and that the display is visible when the lid is in the closed position. No new matter has been added. These amendments to claim 1 are fully supported by the originally-filed application with reference, for example, to drawing Figs. 1-4 and to the written specification.

Applicant's claim 1, as amended herein, now recites, for example, the following:

wherein said display is visible when said lid is in said closed position

Clearly, the Ma display module 12 is not visible when the display frame 1 is in its closed position. Accordingly, claim 1, as amended herein, is not anticipated by Ma. Applicant further asserts that the limitations of claim 1 are not shown or suggested by any of the references of record, considered either alone or in proper combination.

For at least the reasons advanced above, applicant respectfully asserts that the Examiner's rejection has been overcome and that, accordingly, claim 1 should be allowed.

Claims 2 and 4-6 are allowable at least as depending from allowable base claim 1. Claim 3 has been canceled. Claim 2 has been amended herein to provide consistency with the amendments to claim 1.

Claims 7-19

Claims 7-19 have been canceled.

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Claims 20-26

Claim 20, as amended herein, recites the following:

A method comprising:

providing a device having:

- a display; and
- a photo-electric imaging apparatus;

using said photo-electric imaging apparatus to generate a data set representative of an image of an object by causing relative movement between said object and at least a portion of said photoelectric imaging apparatus while said device remains stationary; and

moving said object relative to said device while using said photo-electric imaging apparatus to generate said data set representative of said image said object.

Claim 20 has been amended, as indicated above, to add essentially the limitation previously appearing in dependent claim 22. Accordingly, claim 20 now recites moving the object relative to the device while the imaging apparatus is being used to generate the data set. As discussed above, with respect to the rejection of claim 1, in the Ma device, scanning is carried out by moving the scanning mechanism 34 on the rails 33 relative to the document. In Ma, thus, the document is not moved relative to the device while a scan takes place, but rather the document is stationary and the scanning mechanism moves.

Accordingly, since Ma does not disclose all of the elements of claim 20, as amended herein, claim 20 is not anticipated by Ma. As noted previously, the standard for lack of novelty, that is, for "anticipation," under 35

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U.S.C. 102 is one of strict identity. To anticipate a claim for a patent, a single prior source must contain all its essential elements. *Hybritech, Inc. v. Monoclonal Antibodies, Inc.*, 231 USPQ 81, 90 (Fed. Cir. 1986).

Claims 25 and 26 are allowable at least as depending from allowable base claim 20. Claims 21-24 have been canceled.

III. Rejection of Claim 26 under 35 U.S.C. §112, Second Paragraph

Claim 26 stands rejected under 35 U.S.C. §112, second paragraph. Reexamination and reconsideration of the Examiner's rejection are requested.

In response to the Examiner's rejection, applicant has amended claim 26 herein to delete the term "first". Accordingly, the terminology of claim 26 is now believed to possess proper antecedent basis.

IV. New Claims 27-38

New claims 27-38 are fully supported by the originally-filed application. No new matter has been added.

New claims 27 and 28 are dependent on claim 1 and recite the following:

27. The device of claim 1 wherein said photosensor array is movable relative to said display.

28. The device of claim 1 wherein said photosensor array is at least partially located within said frame.

Claim 27 contains language that previously appeared in originally-filed

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claim 1. Claim 28 is supported, for example, with reference to drawing Fig. 2.

New independent claim 29 recites the following:

29. A system comprising:
a frame;
a lid movably attached to said frame, said lid being movable between a closed position and an open position;
a display mounted to said lid;
a photosensor array; and
an object to be scanned by said photosensor array;
wherein at least a portion of said lid is directly adjacent at least a portion of said object when said lid is in said closed position.

New claim 29 is supported by the originally-filed application with reference, for example, to drawing Figs. 1 and 2 and to the written specification.

New dependent claims 30-33 are similar to originally-filed claims 8 and 10-12, respectively.

New independent claim 34 recites the following:

34. A method comprising:
providing a device comprising a frame, a photosensor array, a lid movably attached to said frame and a display mounted to said lid, wherein said lid is movable between a closed position and an open position;
moving said lid to said closed position such that at least a portion of said lid is positioned directly adjacent at least a portion of

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said object; and

scanning an object with said photosensor array while said lid is in said closed position and said at least a portion of said lid is positioned directly adjacent said at least a portion of said object.

New claim 34 is fully supported by at least the portions of the originally-filed application discussed above with respect to claim 29.

New dependent claim 35 is fully supported with reference to the originally-filed drawing figures and specification.

New independent claims 29 and 34 each recite that at least a portion of the lid (upon which the display is mounted) be directly adjacent at least a portion of the object when the lid is in the closed position. This recitation is clearly not shown in Ma since the Ma keyboard plate 2 is located between the display frame 1 and the glass plate 32. For at least this reason, new independent claims 29 and 34 are not anticipated by Ma. Applicant further asserts that the limitations of new claims 29 and 34 are not disclosed or suggested by any of the references of record, considered either alone or in proper combination.

New dependent claims 27 and 28 are allowable at least as depending from allowable base claim 1. New dependent claims 30-33 are allowable at least as depending from allowable base claim 29. New dependent claims 35-38 are allowable at least as depending from allowable base claim 34.

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V. Amendment to the Specification

The paragraph beginning at page 5, line 4 of the specification has been amended herein to correct a minor typographical error.

For the reasons advanced above, applicant respectfully asserts that all of the claims are in condition for allowance.

Respectfully submitted,
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Date: January 9, 2003